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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,587	04/26/2001	Aly A. Farag	1160.012US1	7712

7590 11/06/2002

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EXAMINER

VO, CLIFF N

ART UNIT	PAPER NUMBER
2671	

DATE MAILED: 11/06/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/842,587	FARAG ET AL.
	Examiner CLIFF N VO	Art Unit 2671
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
<b>Period for Reply</b>		
<b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</b>		
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b>		
1) <input type="checkbox"/> Responsive to communication(s) filed on ____.		
2a) <input type="checkbox"/> This action is <b>FINAL</b> .                            2b) <input checked="" type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.		
<b>Disposition of Claims</b>		
4) <input checked="" type="checkbox"/> Claim(s) <u>1-20</u> is/are pending in the application.		
4a) Of the above claim(s) ____ is/are withdrawn from consideration.		
5) <input checked="" type="checkbox"/> Claim(s) <u>14 and 15</u> is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>1-4,8-10 and 16-19</u> is/are rejected.		
7) <input checked="" type="checkbox"/> Claim(s) <u>5-7,11-13 and 20</u> is/are objected to.		
8) <input type="checkbox"/> Claim(s) ____ are subject to restriction and/or election requirement.		
<b>Application Papers</b>		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input type="checkbox"/> The drawing(s) filed on ____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.		
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
11) <input type="checkbox"/> The proposed drawing correction filed on ____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner.		
If approved, corrected drawings are required in reply to this Office action.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
<b>Priority under 35 U.S.C. §§ 119 and 120</b>		
13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).		
a) <input type="checkbox"/> All    b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:		
1. <input type="checkbox"/> Certified copies of the priority documents have been received.		
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. ____.		
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
* See the attached detailed Office action for a list of the certified copies not received.		
14) <input checked="" type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).		
a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.		
15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		
<b>Attachment(s)</b>		
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> .		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
6) <input type="checkbox"/> Other: _____		

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## DETAILED ACTION

### *Information Disclosure Statement*

1. The IDS paper filed 7/2/2001 has been received and placed in the record of file.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-4, 8-10, 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Carmeli et al (U.S. Patent No. 6,414,708).

As per claims 1, Carmeli et al disclose a video system for three dimensional imaging comprising a step of receiving a plurality of two dimensional images of a oral cavity (col.6, lines 13-21), and a step of generating at least one three dimensional image of the oral cavity from the plurality of two dimensional images (col.7, line 49 through col.8, line 22).

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As per dependent claim 2, Carmeli et al further teach wherein the plurality of two dimensional images further comprises a plurality of two dimensional optical images (col.6, lines 45-47).

As per dependent claim 3, Carmeli et al further teach a step of constructing a physical cast of the oral cavity from the three dimensional image (col.7, line 49 through col.8, line 22).

As per dependent claim 4, Carmeli et al further teach a step of generating the plurality of two dimensional images of the oral cavity from a common reference point in the three dimensional space (col.6, lines 45-60).

Due to the similarity of the claims 8-10 and 16-19 to claims 1-4, they are rejected under a similar rationale.

***Allowable Subject Matter***

4. Claims 14-15 are allowed.

5. Claims 5-7, 11-13 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cliff N. Vo whose telephone number is (703) 305-9594. He can normally be reached Monday-Friday and alternate Monday from 8:00am-5:30pm.

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If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached at (703) 305-9798. The fax phone number for this Group is (703) 305-9724.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.

11/2/2002

*Cliff N. Vo*  
CLIFF N. VO  
PRIMARY EXAMINER